

CITY of BURIEN
Department of Community Development

Interpretation # 03-03

Subject: Minimum lot area for townhouse dwelling units in the RM zone (BMC 19.15.010.2)

Interpretation: BMC 19.15.010.2, Special Regulation 1 requires a minimum lot area per dwelling unit. It is my interpretation that the required minimum lot area applies to each lot created and cannot be averaged throughout the overall project site. However, other provisions of the BMC may allow averaging throughout the entire site, such as the binding site plan process in BMC 17 or the clustering provisions related to critical areas in BMC 19.40.230.

Findings of Fact:

- *The defined or common meaning of the words of the provision:*
 - BMC 19.15.010.2, Special Regulation 2 requires each dwelling unit to be located on its own lot.
 - BMC 19.15.010.2, Special Regulation 1 requires a minimum lot area per dwelling unit of 1,800 to 3,600 square feet, depending on the zoning classification.
 - BMC 19.10.325 defines “lot area” as “the total land area, excluding submerged land, contained within the property lines of a lot.”
 - BMC 19.10.320 defines “lot” as “a physically separate and distinct parcel of property, which has been created pursuant to the City of Burien subdivision regulations, or was legally created prior to February 28, 1993.”
- *The general purpose of the provision as expressed in the provision.*

There is no specific purpose and intent statement for this section of the zoning code. However, the general purpose of the RM zone chapter states “These zones implement the Low and High Density Multifamily Neighborhood Comprehensive Plan designations. The purpose of these zones is to establish areas in which a wide range of single-family and multi-family housing opportunities can be provided, which are compatible with adjacent lower density single-family housing and which protect environmentally sensitive areas. The intent is to provide a variety of stable and attractive, well-designed housing choices that are located near transit, employment, shopping and recreational facilities, and meet the needs of existing and future City residents. Redevelopment of existing housing complexes is encouraged.”
- *The logical or likely meaning of the provision viewed in relation to the Comprehensive Plan and applicable purpose and intent statements in this Code.*

The City Council’s intent when adopting this section was to encourage construction of owner-occupied townhouses on their own lots.

Conclusions:

A townhouse dwelling unit must be located on its own lot. BMC 19.15.010.2 requires each lot to have a minimum lot area, which is measured within the property lines of the lot. Therefore, each townhouse lot must comply with the minimum lot size established for the zone.

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November 12, 2003
Date